



CITY OF HAYWARD AGENDA REPORT

Meeting Date 4/13/06
Agenda Item 2

TO: Planning Commission

FROM: Tim R. Koonze, Assistant Planner

SUBJECT: Use Permit No. PL-2005-0712 – Mathew Zaheri (Applicant/Owner) – Request to Operate a New and Used Auto Sales Lot on an Existing Car Storage Lot and Install a Temporary 750-Square-Foot Modular Office Building for a Period of Five Years

The Property is Located at 24874 Mission Boulevard at Carlos Bee Boulevard within a General Commercial Zoning District and the Mission Corridor Special Design District (CG-SD-2)

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, Class 3, New Construction of Limited Small New Facilities; and
2. Approve the requested use permit application subject to the attached findings and conditions of approval.

DISCUSSION:

The property is located on the northeast corner of Mission Boulevard and Carlos Bee Boulevard. The 27,464-square-foot site is currently being used as a new car storage lot for Hayward Volkswagen. There is a billiards hall to the north, a public storage building to the east and automobile sales lots to the west and south.

On September 19, 2003, the Planning Director administratively and conditionally approved a request to operate an automobile storage facility for new cars in connection with the Volkswagen automobile dealership located on Mission Boulevard to the south. At that time the site was paved and landscaping was installed along the street frontages. Community Preservation has since visited the site regarding violations that include poor landscaping, a storage of a recreational vehicle on site, and storage of used vehicles. At the time this report was prepared, the recreational vehicle had been removed but other violations were still outstanding. In addition, a parking lot light pole was damaged and subsequently removed; that light has yet to be replaced.

A condition of approval would limit the life of this use permit to April 13, 2011. Although still in its conceptual design phase, there are plans to improve Mission Boulevard including widening the street to accommodate additional travel and turn lanes. The improvements would require a take of approximately 20-25 percent of this parcel along the Mission Boulevard frontage to accommodate these improvements. The exact date as to when this take will happen is unknown; however, it is expected that it would be within the next five years. After the property take the property would undergo a significant change.

Knowing that any improvements installed for the dealership would be temporary because of the effects of the Mission Boulevard widening, the applicant proposes to install a 720-square-foot modular office building abutting the north property line. The building would be modified to reflect a Spanish design to meet the requirements of Mission Corridor Special Design District. The improvements would include a stucco finish, barrel tile roof and decorative iron hand rails.

The site is currently paved and there is adequate lighting installed, however, prior to use as an automobile sales lot, the missing light pole would have to be replaced and be operational. In addition of the installation of a modular building, site changes would include the installation of approximately 10 striped parking stalls on either side of the proposed office building.

The landscaping installed in connection with the previously approved new car storage lot has not been well maintained. A condition of approval will require to applicant to improve the landscaping to comply with the previously approved landscape plans.

Environmental Review

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, Class 3, New Construction of Limited Small New Facilities.

Public Notice

On, January 13, 2006, a notice of the use permit requests was mailed to all property owners and tenants within 300 feet of the subject property and to all interested parties. No responses were received.

On March 31, 2006, a Notice of Public Hearing for the Planning Commission meeting was mailed. There have been no responses as a result of the notice.

Conclusion

Although staff would not normally recommend approval of a modular office building, it is understood that with the future Mission Boulevard street improvements, the property would undergo a significant change within the next five years. The building would be modified to meet the Spanish design requirements of the Mission Corridor Special Design District and the site landscaping would be replanted to comply with the previously approved landscape plans. For these reasons staff recommends that the Planning Commission approve this project.

Prepared by:

Tim R. Koonze

Tim R. Koonze
Assistant Planner

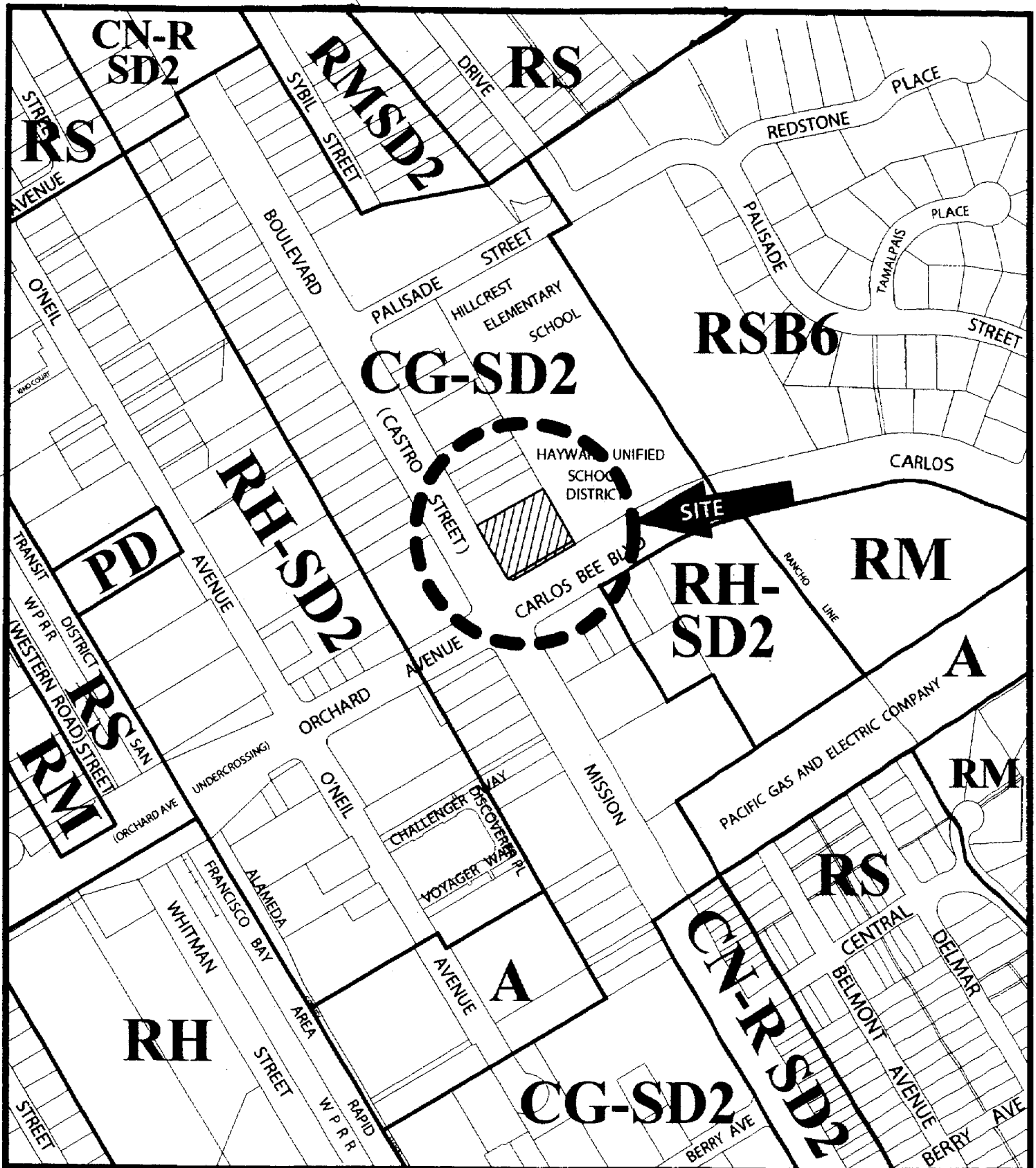
Recommended by:

Richard Patenaude

Richard Patenaude, AICP
Principal Planner

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
Site Plan



Area & Zoning Map

PL-2005-0712 UP

Address: 24874 Mission Boulevard

Applicant: Mathew Zaheri

Owner: Mathew Zaheri

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CG-General Commercial

CN-R-Neighborhood Commercial-residential

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6

SD-Special Design



FINDINGS FOR APPROVAL
Conditional Use Permit - PL-2005-0712
24874 Mission Boulevard
Mathew Zaheri (Applicant/Owner)

1. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, Class 3, New Construction of Limited Small New Facilities.
2. The proposed use is desirable for the public welfare in that the use serves a need to the public by providing retail of automobiles to the public and the business will have a minimal impact to the commercial neighborhood as it will generate a low volume of traffic.
3. The proposed use will not impair the character and integrity of the General Commercial District and surrounding area in that the site is located among similar uses on nearby properties and business will be conducted in a way that meets the Zoning Ordinance requirements.
4. The proposed auto sales lot will not be detrimental to the public health, safety and general welfare in that the conditions of approval would require that the site be maintained and all improvements conform to the Uniform Building and Fire Codes.
5. The proposed auto sales lot is in harmony with applicable City policies and the intent and purpose of the zoning district involved in that the site is intended for commercial development and the use is a conditionally permitted use in the General Commercial District.

CONDITIONS OF APPROVAL

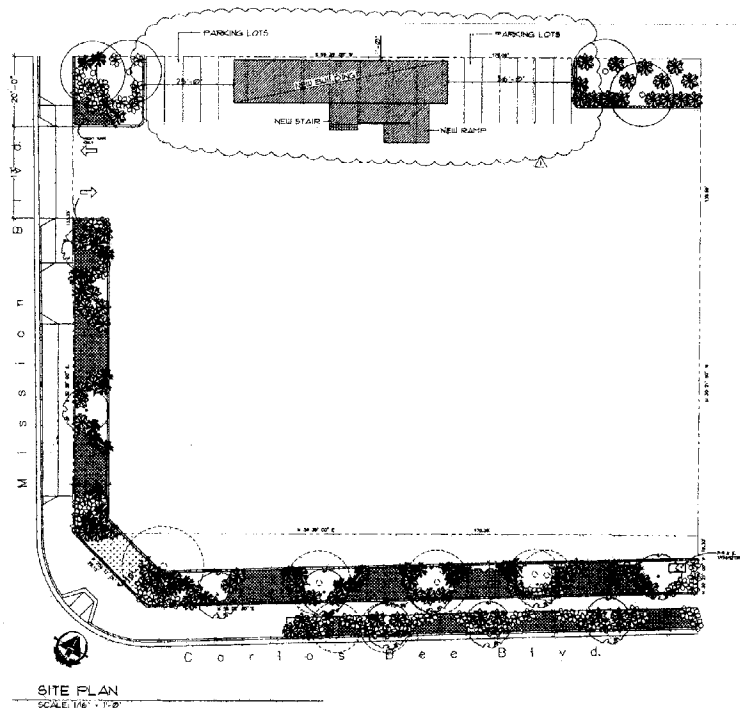
Conditional Use Permit - PL-2005-0712

24874 Mission Boulevard

Mathew Zaheri (Applicant/Owner)

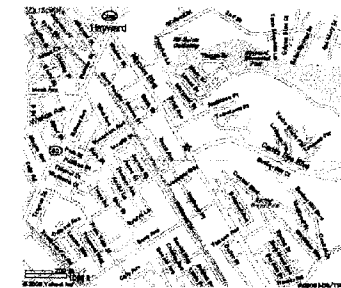
1. Use Permit Application No. PL-2005-0712 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time the improvements required by the conditions of have been installed, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date.
2. The use permit shall automatically expire April 13, 2011, without further notice or action by the City. A request for an extension must be submitted at least 30-days prior to expiration of the use permit.
3. The applicant shall cease all operations by April 13, 2011. The temporary office structure shall be removed within 30 days from the date the use permit expires.
4. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
6. Prior to connection of utilities all improvements required by the conditions of approval shall be installed and approved by City of Hayward inspectors.
7. Prior to connection of utilizes the damaged light pole within the parking lot shall be replaced with one that matches the existing light poles.
8. Prior to connection of utilities a landscape and irrigation plan shall be submitted. The design shall be subject to approval by the City Landscape Architect.
9. Prior to connection of utilities the site landscaping shall comply with the approved landscaped plans.

10. The property owner shall maintain in good repair the building and paved areas including the lighting for the auto storage area. The premises shall be kept clean and free of graffiti. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
11. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
12. Violation of these conditions is cause for revocation of the use permit after a public hearing before the duly authorized review body.



INDEX:

- A1: SITE PLAN
- A2: PROPOSED FLOOR/ ROOF PLAN
- A3: PROPOSED ELEVATIONS
- A4: PROPOSED SECTIONS



VICINITY MAP

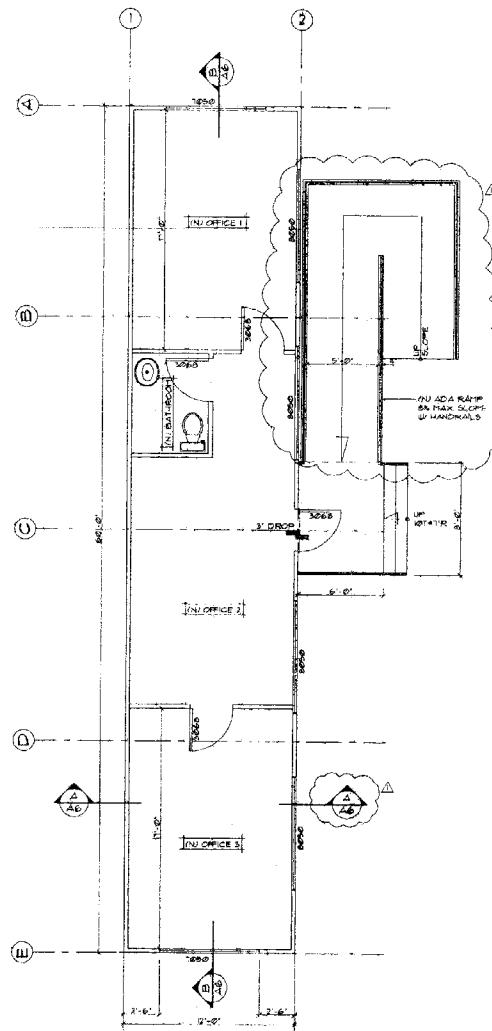
★ - BUILDING SITE

SQUARE FOOTAGE:

PROPOSED AREA 720 SQ. FT.

REVISIONS: OWNER REQUEST 07-22-06	
DATE	
DISCUSS BY:	
SITE PLAN	
TEAM VOLKSWAGEN 24850 Mission Blvd. Hayward, CA	
Joh No.:	2568
Drawn by:	KH
Date:	12-05-05
Scale:	AS NOTED
Dwg. No.:	A1

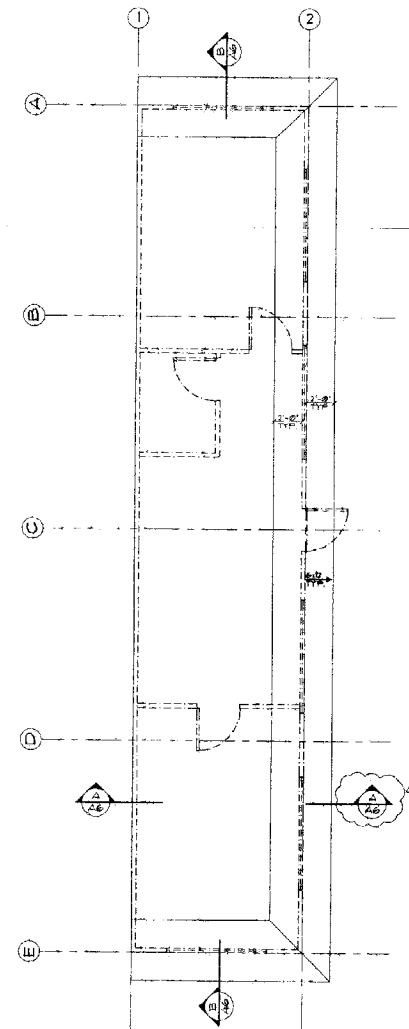
Project No.
PL-2006-0712 UP



PROPOSED FLOOR PLAN

LEGEND:

- NEW WALL
- DASH - DROP



PROPOSED ROOF PLAN

LEGEND:

- WALL CONTOUR

NOTES:

1. ROOF DRAINAGE BY CONTRACTOR

Revisions:

△ OWNER REQUEST 03-02-06

PROPOSED
FLOOR/ ROOF
PLAN

TEAM VOLKSWAGEN
24850 Mission Blvd.
Hayward, CA

Job No.: 2598

Drawn by: K7

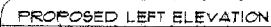
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Date: 02-05-06

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Org. No.:

A2



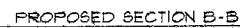
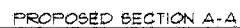
DECEMBER 1988

PROPOSED ELEVATIONS

TEAM VOLKSWAGEN
24850 Mission Blvd.
Hayward, CA

Drg. No.:

A3



DATE _____
DRAWING NUMBER _____

PROPOSED SECTIONS

TEAM VOLKSWAGEN
24850 Mission Blvd.
Hayward, CA

A4